

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

DAIICHI PHARMACEUTICAL CO., LTD. and
DAIICHI PHARMACEUTICAL CORPORATION,

Plaintiffs,

v.

APOTEX, INC. and APOTEX CORP.,

Defendants.

Civ. No. 03-937 (WGB)

ORDER

_____This matter having come before the Court on Plaintiffs' motion *in limine* to preclude Defendants from asserting an affirmative defense of alleged improper inventorship pursuant to 35 U.S.C. § 102(f); and

The Court having considered the submissions of counsel and having held oral argument; and

For the reasons set forth in the Court's Memorandum Opinion issued this day; and

For good cause shown;

IT IS on this 1st day of November, 2005, hereby ORDERED that Plaintiffs' motion to preclude Defendants from asserting an affirmative defense of alleged improper inventorship is **granted**.

/s/ William G. Bassler
WILLIAM G. BASSLER U.S.S.D.J.